

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Norma Hernandez

v.

Civil No. 06-cv-016-JM

Bobco-Belmont, L.L.C.

O R D E R

Plaintiff moves to remand on the basis that:

(1) removal depends on proof that her Title VII claims preempts New Hampshire RSA 354-A and that they are central to her claims;

(2) she is also pursuing state law claims; and

(3) Title VII claims (Counts II, IV and VI¹ (Retaliation - Title VII)) are not "Federal Questions" giving rise to jurisdiction under 28 U.S.C. § 1331.

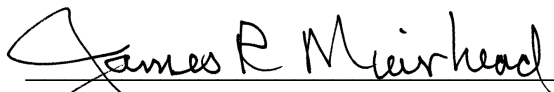
Defendant objects, correctly pointing out that Title VII claims clearly arise under laws of the United States and are thus federal questions giving rise to federal subject matter jurisdiction. Since all matters arise out of the same nucleus of operative fact, state law does not predominate. The state claims simply are covered by supplemental jurisdiction. 28 U.S.C.

¹More than one count is labeled as "VI".

§ 1367(a).

In short, the action was properly removed under 28 U.S.C.
§ 1441(b). The motion (document no. 8) is denied.

SO ORDERED.



James R. Muirhead
United States Magistrate Judge

Date: February 7, 2006

cc: Denise A. Daniel, Esq.
Lawrence M. Edelman, Esq.